



Battle Creek Zoning Board of Appeals

Staff Report

Meeting: April 12, 2011
Appeal #Z-02-11

To: Zoning Board of Appeals

From: City of Battle Creek Planning Staff

Subject: This is a two part request. 1) A petition for an interpretation of the City of Battle Creek Planning and Zoning Code as it relates to the denial of a sign permit application by the Zoning Administrator to rebuild the damaged portion of an off-premise outdoor advertising sign located on property identified as Property ID# 2550-00-013-0, in the general vicinity of Dickman Rd. and Upton Avenue.

2) If the Board upholds the decision of the Zoning Administrator to deny the sign permit application, then the Appellant is seeking a sign variance (Z-02-11) to permit the re-construction of a billboard that was damaged by an automobile on property described as Property ID # 2550-00-013-0 at the corner of Dickman Rd. and Upton Avenue.

Summary

This report addresses a petition from Adams Outdoor Advertising requesting an interpretation of the relevant Ordinance provisions including, but not limited to Chapters 1296.04(6) and (51), 1296.05, 1296.27, and/or 1296.28, and a decision regarding the validity of the Planning Department's denial of a sign permit. Pending that initial decision, it also provides background information for a request from Adams Outdoor Advertising seeking a sign variance to allow the re-construction of a billboard that was damaged by an automobile on property described as Property ID # 2550-00-013-0 at the corner of Dickman Rd. and Upton Avenue.

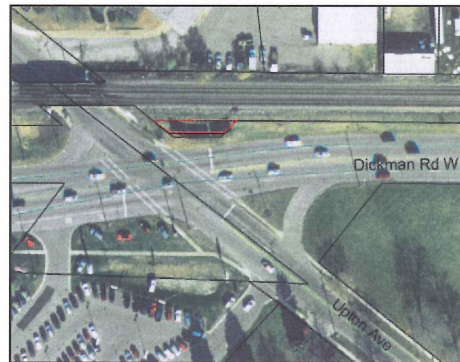
Background/Project Information

The subject site is at the intersection of Dickman Rd and Upton Avenue. The subject lot is approximately .03 acres in size and is located in the I-1 "Light industrial" District. The lot is occupied with a non-conforming off-premises sign. The sign is nonconforming in that the placement of the sign does not meet setback requirements for off-premises signs [see Ch. 1296.39(d) in attachment #6], the sign is "u" shaped and is considered 3 separate signs [see Ch. 1296.04 (6) (a) in attachment #6], and that no billboard shall be erected at any time when there are 75 or more billboard faces in the City [see Ch. 1296.39(e) in attachment #6].

On December 5, 2010, the sign was hit and damaged by a motor vehicle on the east portion of the sign. On December 7, 2010, Adams Outdoor Advertising applied for a sign permit application to "repair" the damaged sign. After an exchange of information between Adams and the City, it was determined by Zoning Administrator Hilton that based on the site inspection and review of submitted plans, which indicate activity to include the installation of three new columns, three new footings, new front catwalks and ledgers, 3 new stringers, new

rod cross bracing, new braces, and the replacement of other miscellaneous equipment, the billboard was substantially destroyed and the plans submitted represented structural alterations to the billboard, not allowed by the zoning code for a non-conforming sign [please see attached sign permit application (attachments #2 & 3) and letter dated January 6, 2011 (attachment #4) for additional details]. **Based on these factors, the sign permit application was denied.**

***We would like to note that the sign is “u” shaped and the sign in its entirety is comprised of 3 separate signs. The two undamaged sign faces can remain on the property as nonconforming signs.



Part 1 of the Request

Per the application and attached material, Adams Outdoor Advertising is requesting an interpretation of Chapters 1296.04 (6) and (51), 1296.05, 1296.27, and or 1296.28. We will provide those sections of the Ordinance with staff's interpretation of the Ordinance following in gray.

Chapter 1296.04 (6) states: (6) **Area of Sign.** “Area of a sign” means the entire area within a circle, triangle, parallelogram or any other shape which encloses the extreme limits of writing, representation, emblem, logo or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

Where the sign has two or more faces, the area of all faces shall be included in computing the area of the sign, except:

(a) If two such faces are placed back-to-back and are at no point more than four feet from each other, the area of the sign shall be computed as the area of one face.

(b) If the two faces are of an unequal area, the larger of the two faces shall determine the area.

(c) Where a sign consists solely of writing, representation, emblems, logos or any other figure of similar character which is painted or mounted on the wall of a building without a distinguishing border, the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines extending not more than six inches from such sign elements.

Staff is unclear as to the basis or rationale for the appeal to this chapter. It is our interpretation that the entire display area in this case should be included in the "area of sign" calculation. Regarding Ch. 1296.04(6) (a), it is staff's interpretation that in this case there are actually 3 sign faces formed by the "u" shaped structure. One facing the SE along Dickman, one facing S towards Upton Avenue and one facing W along Dickman. In this case, it is the City's determination that only the east facing sign was damaged and cannot be replaced. The two remaining undamaged sign faces can occupy the property as nonconforming signs.

Chapter 1296.04 (51) states: **Substantially Altered.** "Substantially altered" means a change in a sign or sign structure, as differentiated from maintenance or repair, including a change in height, location, area, shape or material, or any change in copy, except that which occurs in manual or automatic changeable copy signs, including the wording, style or size of the lettering. Maintenance and repair costs shall not exceed thirty-five percent of the replacement cost of the entire sign.

It is staff's determination that the plans submitted outlining the work to be done to the sign, including; replacing of miscellaneous equipment, replacing three columns, three new footings, new front catwalks and ledgers, 3 new stringers, new rod cross bracing, new braces, and the replacement of other material, constitutes a change in the sign or sign structure and meets the definition of substantially altered.

Chapter 1296.05 states: **1296.05 ERECTION; ALTERATION; PERMIT REQUIRED.**

No person shall erect, construct, enlarge, move, convert or substantially alter any sign within the City, or cause the same to be done, without first obtaining from the Administrator or his or her designated agent a sign permit for each sign, as required by this chapter. This requirement shall not be construed to require a permit for a change in copy on a changeable copy sign, or the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not substantially altered. No new permit will be required for the change in copy on billboard signs.

Staff is unclear as to the basis or rational for appeal of this section, but based on the damage done to the sign, staff does not believe that the work needed to be done is normal maintenance or repair to the sign or sign structure; it is a replacement.

Chapter 1296.27 states: **1296.27 ABATEMENT OF NONCONFORMING SIGNS; NOTICE.**

The intent of this chapter is to abate nonconforming signs, except, as otherwise specifically set forth in this chapter, as rapidly as the police power of the City permits.

After the enactment of this chapter, the Administrator or his or her designated agent shall, as soon as is practical, survey the City for signs which do not conform to the requirements of this chapter. Upon determining that a sign is nonconforming, the Administrator shall use reasonable efforts to notify the owner of the sign, in writing, by regular U.S. mail.

It is staff's position that the sign is nonconforming in that the placement of the sign does not meet setback requirements for off-premises signs [see Ch. 1296.39(d) in attachment #6] and that no billboard shall be erected at any time when there are 75 or more billboard faces in the City [see Ch. 1296.39(e) in attachment #6], and that the damaged sign cannot be rebuilt. A survey of the number of billboards was performed on 6/28/01 and there were 82 billboards identified [see billboard inventory, attachment #5]. We also have an opinion from the City Attorney's office from 2005 stating that once a billboard is removed from its present location the City would be eliminating a sign that is noncompliant. Staff has had contact with the current Deputy Attorney and she is of the same opinion.

Chapter 1296.28 states: **1296.28 CONDITIONS FOR MAINTAINING NONCONFORMING SIGNS.**

A lawfully erected sign which is made unlawful by this chapter may continue to be maintained exactly as it existed at the time the maintenance thereof became otherwise unlawful under this chapter, provided that such nonconforming sign shall not:

- (a) Be changed to another nonconforming sign;
- (b) Have changes made to the copy if advertising for a substantially different use, unless the sign is an off-premise sign, bulletin board or similar type of sign designed for periodic copy changes. Changes to copy to advertise for uses that are substantially the same are not unlawful.
- (c) Be structurally altered to prolong the life of the sign or so as to change the shape, size, height, type or design of the sign;
- (d) Be continued after the activity, business or use to which it relates has been discontinued for a period of thirty days; or
- (e) Be re-established after damage or destruction if the Administrator determines that the estimated cost of reconstruction exceeds fifty percent of the replacement cost for the sign.

It is staff's position that, in this case, the rebuilding of the damaged sign will create another nonconforming sign (a). It is also our position that the plans submitted are in direct conflict with this section of the code and that the plans show that the damaged sign will be structurally altered to prolong the life of this particular sign(c). While the applicant may cite subsection (e) as a basis, it is not mentioned in the application, nor have they provided itemized documentation of reconstruction/replacement costs. In any event, the manner in which this section of the ordinance is written, nonconforming

signs must comply with all five conditions. Even if the applicant could prove they meet the requirements in subsection (e) re: reconstruction and replacement cost, the sign still does not comply with subsections (a) or (c) and therefore the permit application was denied.

Based on an analysis of the applicable zoning ordinance sections, staff is requesting that the Zoning Board of Appeals find that the denial of the permit application by Zoning Administrator Hilton is justified, as staff has appropriately interpreted 1296.28 and 1296.39 of the Zoning Ordinance, and has appropriately applied them to the sign at Dickman and Upton Avenue.

If the Zoning Board upholds the staff determination that the billboard is being reconstructed and not repaired, then Part 2 of the request from Adams Outdoor Advertising is to seek a Sign Variance from Chapter 1296.28 and 1298.39 of the code to rebuild the damaged sign.

Part 2

The Appellant has stated in the supporting material that the billboard should be able to be repaired/rebuilt. The Appellant has stated that the size of the parcel makes the site useless for any use other than that of an off-premise sign. The Appellant has supplied additional reasons supporting the request for appeal and they are included with the application packet and are part of this report.

Is there something unique about this lot or property that makes relief necessary? The lot is quite small, is located along Dickman Rd., and is occupied with a billboard. Staff is asking that only the damaged portion of the "u" shaped signs be removed. The two undamaged sign faces can remain on the property as nonconforming signs. The Appellant's complete stated "unnecessary hardship" is included in this report. Members of the Zoning Board of Appeals know that we will always try to help identify specific elements of "unnecessary hardship" where we feel that relief is warranted but we cannot site any specific reasons in this particular case. It is the determination of planning staff that based on required Ordinance standards, only the damaged east portion of the sign is required to be removed at this time. Per the drawings submitted by the Appellant, approximately 75% of the square footage will be allowed to remain.

Public Hearing and Notice Requirements

An advertisement of this public hearing was published in the Battle Creek SHOPPER NEWS on Thursday, February 17, 2011, not less than the 15 days before the hearing as required by State Law and ordinance.

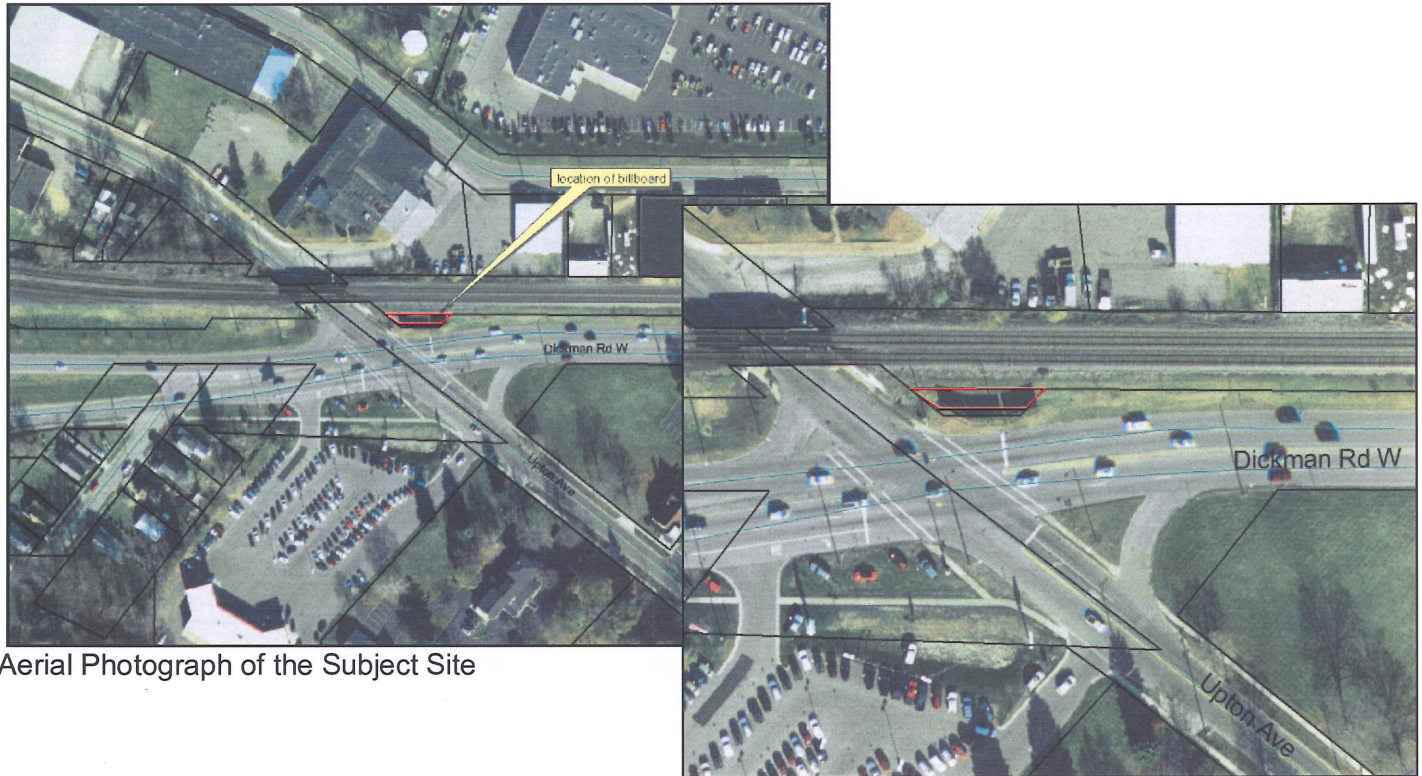
Notices of the public hearing were also sent by regular mail on February 14, 2011, to 55 property owners and occupants located within 300 feet of the subject parcel. Planning staff had received no comments relative to this request.

At the request of the Applicant the request was postponed to the April 12, 2011, ZBA hearing date. An advertisement was again published in the Battle Creek SHOPPER NEWS on March 24, 2011, and mailings were sent on March 22, 2011 to property and occupants located

within 300 feet of the subject parcel as required by State Law and ordinance. Planning staff has received no comments relative to this request.

Surrounding Land Uses

The subject property is generally located in a neighborhood of mixed uses consisting of commercial and industrial uses.



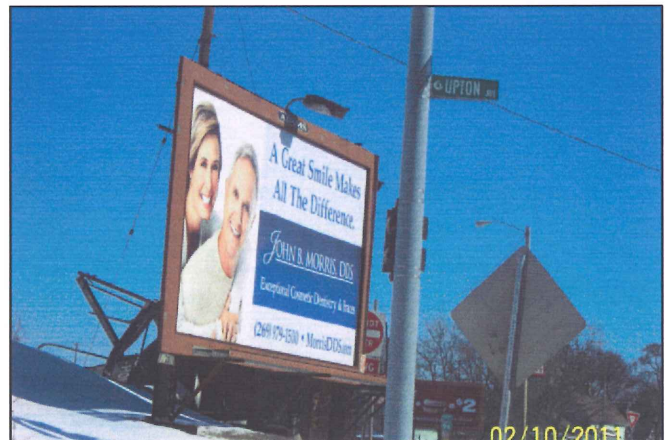
Aerial Photograph of the Subject Site

Legal Description

BC TWP SEC 2 T2S R8W COMM SWLY COR OF DUMPHREY'S ADD - N 51 DEG 44 MIN W ALG C/L OF UPTON AVE 460.33 FT - N 89 DEG 54 MIN E 53.17 FT TO TRUE POB - S 51 DEG 44 FT E 33.83 FT - N 89 DEG 54 MIN E 51.32 FT - N 38 DEG 16 MIN E 26.78 FT - S 89 DEG 54 MIN W ALG SLY LI OF GTWRR R.O.W. 94.47 FT TO POB EXC S 5 FT



Damaged east facing portion of sign



West facing portion of sign

Applicable Zoning Ordinance Provisions

Chapter 1296.30 states; The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse, wholly or partly, or modify, any order, requirement, decision or determination of the Administrator, to decide in favor of the applicant upon a matter on which it is required to pass or effect any variance.

Findings and Recommendation

The Zoning Board of Appeals can approve, approve with conditions, or deny this request. The Zoning Board of Appeals can also table or postpone the request pending additional information. In consideration of all variations from the Zoning Code, the Board shall, before making any such exceptions or variations, in a specific case, first determine that the conditions listed below are satisfied. Planning staff has reviewed these conditions and we do not believe that each condition can be justified in an affirmative manner. Therefore, the Planning staff recommends that the ZBA deny the Sign Variance (Z-02-11) based on the following findings contained in this staff report. We have provided a rationale for each condition set forth below for Sign Variances:

- 1) Staff does not think that the Appellant has clearly demonstrated that hardship or practical difficulty will in fact exist if the variance is not granted in that the remaining two billboard faces can still be used.
- 2) The mere fact that other, larger signs constructed under prior sign ordinances do exist in the area shall not be reason to declare hardship or practical difficulty. While the Appellant does not make this claim, we think that by allowing the damaged sign to be rebuilt is in direct conflict with the goal of eliminating nonconforming signs. The number of billboard faces in the City exceeds 75, the sign does not meet the setback requirements, and it is the intent of the Ordinance to eliminate nonconforming signs, uses, buildings and structures.
- 3) In no case shall a variance be granted if it is determined by the Zoning Board of Appeals that the applicant has created the hardship or practical difficulty. We do not think the applicant has created this problem, however, staff finds there is no hardship or practical difficulty. We think this is an opportunity provided for in the Zoning Ordinance and Master Plan for the Zoning Board of Appeals to reduce the number of billboard faces in the City.
- 4) Before a variance is granted, it must be shown that the alleged hardship or practical difficulty, or both, is exceptional and peculiar to the property of the person requesting the variance, and that it results from conditions that do not exist generally throughout the City. Staff does agree that the subject property is quite small, however, the significant portion of the remaining, undamaged portion of the billboard can still be used and provide advertising space.
- 5) The applicant has furnished a site drawing, photographs and or any other means of proof to the Board so as to indicate that hardship or practical difficulty does, in fact,

exist. Staff just does not believe that the information provided meets the requirements for the Board to grant the variance.

- 6) Staff does not believe the applicant is relying on the fact that the sign has already been purchased and has been altered in the past to justify the granting of this variance request. The term hardship shall not be deemed financial hardship relating to the cost of the sign, to the fact that the sign has already been constructed or to the fact that the sign is only available in standard sizes and/or materials.
- 7) Staff does not believe the alleged hardship or practical difficulty which will result in a failure to grant the variance is substantially more than a mere inconvenience in this case. The remaining portion (approximately 2/3) of the undamaged sign can still be used.
- 8) Staff does not think allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by the Zoning Code by eliminating nonconforming signs in this case, the individual hardships that will be suffered by a failure of the Board to grant a variance and especially the rights of others whose property would be affected by the allowance of the variance.
- 9) The findings of fact set forth in this section shall be made by the Board, which is not authorized to grant a variance without finding of fact in each of the categories set forth in this section. Every finding of fact of the Board shall be supported in the record of proceedings of the Board.
- 10) Nothing contained in this section shall be construed to authorize the Board to change the terms of this chapter or to add to the types of signs permitted on any premises.

Attachments

The following information is attached and made part of this Staff Report.

1. ZBA Petition Form (Petition #Z-02-11) including a letter from Honigman Miller Schwartz and Cohn LLP outlining their case
2. Sign permit Application dated 12/7/10
3. Revised drawing for sign dated from an email 12/13/2010
4. Sign permit application denial letter dated January 6, 2011
5. Billboard Inventory (revised 6/28/01)
6. Chapter 1296 **Signs** from the City of Battle Creek Planning and Zoning Code

Date: 1/28/11

Appeal No. 2-2-11

APPLICATION FOR A VARIANCE
ZONING BOARD OF APPEALS

Attachment #1

City of Battle Creek, Michigan

An Appeal to the Zoning Board of Appeals to authorize a variance from the requirements of the Planning and Zoning Code (Part Twelve) of the City of Battle Creek.

Name of Appellant: Adams Outdoor Advertising

Address: 407 Ransom Kalamazoo MI 49007 Phone: 269-342-9831

Name of Owner (if different from Appellant): None

Address: None Phone: None

TO THE ZONING BOARD OF APPEALS: Request is hereby made for permission to:
(Choose One) Extend Erect Waive Use Convert Enclose

Description: See Attached - Incorporated Building, and 1780w.

1) Appeal the Staff Determination or in the alternative 2) A variance from Chapter 1296 of the Zoning Code

Contrary to the requirements of Section(s) _____ of the Planning and Zoning Code, upon the premises known as Upton Ave. Parcel #2550-00-013-0 Battle Creek, MI, in accordance with the plans and/or plat record attached.

The proposed building or use requires Board action in the following area(s):

See Attached

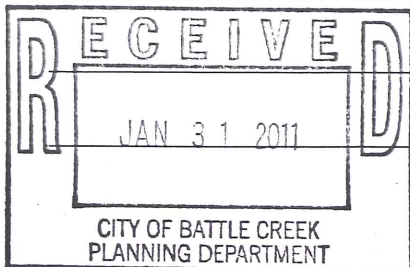
Property/Tax I.D. # No. 2550 - 00 - 013 - 0 Size of the Lot: Width 52 Depth 12'

Size of Proposed Building: Width Depth Height

The following reasons are presented in support of this appeal (complete each section):

(a.) This property cannot be used in conformance with the ordinance without the requested variance because:

See Attached



(b.) This problem is due to a unique situation not shared in common with nearby property owners because:

See Attached

(c.) Granting the variance would not alter the essential character of the area because:

See Attached

(d.) The problem is not self-created because:

See Attached

(e.) **USE VARIANCES ONLY** It is not possible to use this particular property for any other use currently allowed in the zoning district because:

See Attached

I hereby affirm that, to the best of my knowledge, all the above and accompanying statements and drawings are correct and true. In addition, I give permission to the City of Battle Creek's Planning Department staff to access my property, if necessary, to take photographs of the subject of this appeal.

William B Jackson - Real Estate Manager
(Print Appellant Name)

[Signature]
(Signature of Appellant)

4107 Ransom Kalamazoo MI 49002
(Address of Appellant)

If you require additional information or assistance in filling out this application, please contact the Planning Department at (269) 966-3320.

January 28, 2011

Zoning Board of Appeals
City of Battle Creek, Michigan
77 East Michigan Ave., Ste. 204
Battle Creek, MI 49017

*Re: Parcel #2550-00-013-0
Upton and Dickman Rd.*

To Whom It May Concern:

This office represents Adams Outdoor Advertising, L.P. ("Adams"). As you may know, Adams owns an odd-sized (12' X 52') piece of property in the City of Battle Creek (parcel #2550-00-013-0). On this property, which is located at the corner of Upton and Dickman roads, Adams maintains a V-shaped sign possessing three individual faces (the "Sign"). All three faces of the Sign possess State of Michigan Permits as required by the Michigan Highway Advertising Act of 1972.

On December 5, 2010, a motor vehicle driven by Willette Latrice Canders struck the Sign. Ms. Canders was intoxicated and driving a vehicle without a motor vehicle license at the time of the incident. The resulting impact caused damage to one panel face (and its related support structure) of the three-faced Sign.

On December 7, 2010, Adams applied for a permit to perform maintenance to and/or repair of the Sign. After several communication exchanges with the City's Planning Department, Adams was issued a letter dated January 6, 2011, denying its permit application.

Adams respectfully disagrees with the legal and factual assertions set forth in the Planning Department's January 6, 2011 letter, and requests a hearing before the Battle Creek Zoning Board of Appeals ("ZBA") regarding the same. At this hearing Adams intends to seek an interpretation of the relevant Ordinance provisions (including but not limited to Chapters 1296.04(6) and (51), 1296.05, 1296.27, and/or 1296.28), a decision regarding the validity of the Planning Department's refusal to grant Adams a permit for the Sign, and, if necessary, a variance from Chapters 1296.39 and 1296.28 of the Ordinance.

Shortly before the hearing date regarding these requests, Adams intends to provide a more detailed factual and legal analysis in a subsequent correspondence to the ZBA. For now,

HONIGMAN

City of Battle Creek
Zoning Board of Appeals
January 28, 2011
Page 2

and because the application requires it,¹ Adams will summarize its position on the five criteria for granting a variance.

Reasonable Use

The odd size of the parcel (12' X 52') makes this site useless for any other use than an off-premise sign, such as the Sign at issue.

Unique

As noted above, the parcel's odd size supports a finding of uniqueness in this case. Further, "[t]he uniqueness inquiry should not in all cases be limited to an examination of whether there is a uniqueness that inheres in the land itself." *Janssen v Holland Charter Twp*, 252 Mich App 197, 205 (2002). Here, the situation Adams finds itself in *vis-à-vis* other landowners within the City (damage to its property as a result of a drunken driver) also shows the uniqueness of Adams' difficulties.

No Reasonable, Legal Alternative

Adams would argue that the only reasonable, legal alternative under the facts of this case—i.e., property damage as the result of a drunk driver—would be allowing Adams to maintain/repair its Sign.

Not Self-Created

The uniqueness of this parcel's size was not created by Adams, but instead by the State of Michigan when it widened Dickman Road and took a section of the parcel to accomplish the widening. Further, the drunk driver who caused the damage to the Sign is not affiliated with Adams in any way.

Public Health and Welfare

Allowing Adams to maintain/repair its Sign will not adversely affect the public health, safety, and welfare. Adams is not requesting permission to do anything other than return the Sign to the condition it was in prior to the damage. Such maintenance/repair to the Sign would not alter the essential character of the property, the neighborhood, or the City. *See Janssen*, 252 Mich App at 203.

¹ There is nowhere in the application for Adams to indicate that it is seeking an interpretation of the Ordinance, a review of the decision of the Planning Department, and/or the legal and factual basis for both.

HONIGMAN

City of Battle Creek
Zoning Board of Appeals
January 28, 2011
Page 3

Once you have scheduled the hearing on Adams' three requests: (1) an interpretation of the relevant Ordinance provisions (including but not limited to Chapters 1296.04(6) and (51), 1296.05, 1296.27, and/or 1296.28), (2) a decision regarding the validity of the Planning Department's refusal to grant Adams a permit for the Sign, and (3) a possible variance from Chapters 1296.39 and 1296.28 of the Ordinance, please provide notice of the same to Adams.

Should you have any questions or concerns regarding Adams' application or any of the above, please contact me directly.

Very truly yours,

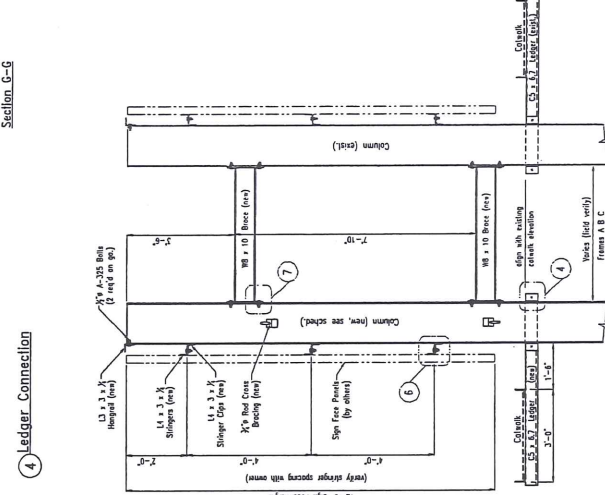
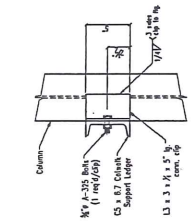
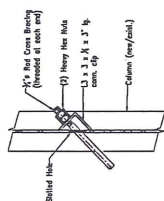
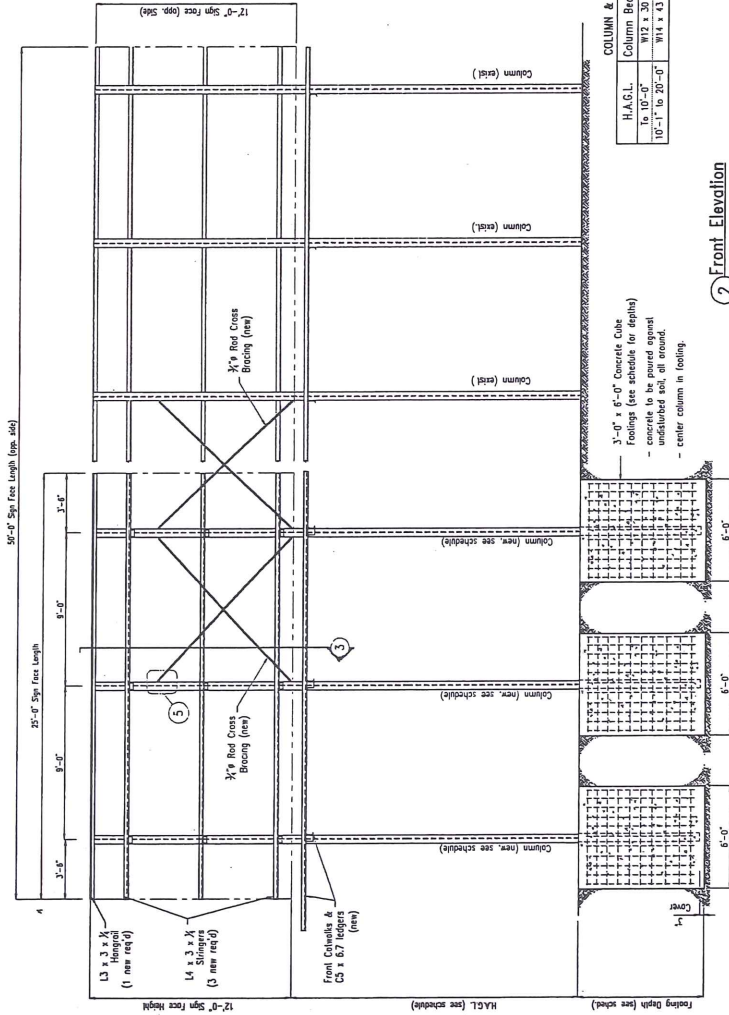
HONIGMAN MILLER SCHWARTZ AND COHN LLP



Richard J. Zecchino

RJZ/kdi

ACTIVE:8721089.1



- 2) Contractor is responsible to verify all field conditions and existing member sizes as detailed on this drawing. Upon completion, the Contractor shall be in compliance with all aspects of this drawing. Contractor is also responsible to notify Engineer of any discrepancies found.
- 3) Attached schedule to be followed using $\frac{3}{8}$ " A-Bells (2 req'd/corr.)
- 4) Caissons grouting to be 3.14 p.s.i. expanded metal grouting. (yield to column axially with a 36" dia. wall, 17' in. @ 3.14 p.s.i.)



2005 IBC (90 mph - Fan C)



CLIENT: Adams Outdoor Advertising

THE UNDERSIGNED ENGINEER WILL NOT SUPERVISE THE FABRICATING AND ERECTION OF THIS STRUCTURE.

ENGINEERED BY:

DATE DRAWING	12/2
--------------	------

DRAWING NO.
1 of 1
6

SIGN PERMIT APPLICATION

Area Metropolitan Services Agency

Please make your check payable to and send it to, the appropriate jurisdiction.

Please mark box for appropriate jurisdiction.

<input type="checkbox"/> Bedford Township 115 S Uldriks Drive Battle Creek, MI 49017 ph: 269-965-9096 fx. 269-965-0908	<input checked="" type="checkbox"/> City of Battle Creek 10 N Division St, Ste 111 Battle Creek, MI 49014 ph. 269-966-3382 fx. 269-966-3654	<input type="checkbox"/> Pennfield Township 20260 Capital Ave NE Battle Creek, MI 49017 ph. 269-968-4422 fx. 269-968-2021	<input type="checkbox"/> City of Springfield 601 Avenue A Springfield, MI 49015 ph. 269-965-3880 fx. 269-965-0114	<input type="checkbox"/> Newton Township 7988 G Drive South Ceresco, MI 49033 ph. 269-979-3212 fx. 269-979-4470
--	---	---	---	---

Administrative Section:

☐ Cash
☒ Check # 1079 Receipt # 6176 Inspector Approval 12/7/10 Issued Permit # _____
 Zoning Administrator Approval Denied Date 12/9/10 * 12% .39¢ repair work permitted
rebuild sign not permitted

I. JOB LOCATION

NAME OF BUSINESS AND BUSINESS OWNER Adams Outdoor Advertising HAS AN ELECTRICAL PERMIT BEEN OBTAINED FOR THIS PROJECT?
☒ YES ☐ NO ☐ N/A
 STREET ADDRESS & JOB LOCATION (STREET NO. & NAME) Corner of Richmond Rd. & Upton ZONING CLASSIFICATION Parcel # 2550-00-013-0
 JOB SITE TELEPHONE 269.806.6720 CELL NUMBER 269.342.5774 FAX
 NUMBER OF EXISTING SIGNS _____ TOTAL SQUARE FOOTAGE OF EXISTING SIGNS _____

II. SIGN CONTRACTOR (if applicable)

NAME Adams Outdoor Advertising ADDRESS 407 E. Rossman CITY/STATE Kalamazoo MI ZIP 49007
 PHONE NUMBER 269.342.9831 FAX NUMBER 269.342.5774 E-MAIL ADDRESS WbJordson@Charters.net

III. ELECTRICAL CONTRACTOR (if applicable)

NAME na ADDRESS _____ CITY/STATE _____ ZIP _____
 PHONE NUMBER _____ FAX NUMBER _____ E-MAIL ADDRESS _____

IV. LOCATION OF SIGN

- ☐ On Premise Sign
☒ Off Premise Sign
 In Battle Creek, call the Planning Department at 966-3320 before submitting an application for an off premise sign.

V. COST OF SIGNS

Portable/Temporary Sign		Permanent Sign	
Administration Fee	\$25	Administration Fee	\$50
Zoning Approval	\$15	Zoning Approval	\$25
Inspection Fee	\$25	Inspection Fee (1 st \$1,000 of Cost)	\$50
Plan Review (if applicable)	\$25	Each Addl \$1,000	\$20
		Plan Review (if applicable)	\$25
Total Fee Paid:		Total Fee Paid: <u>145-</u>	

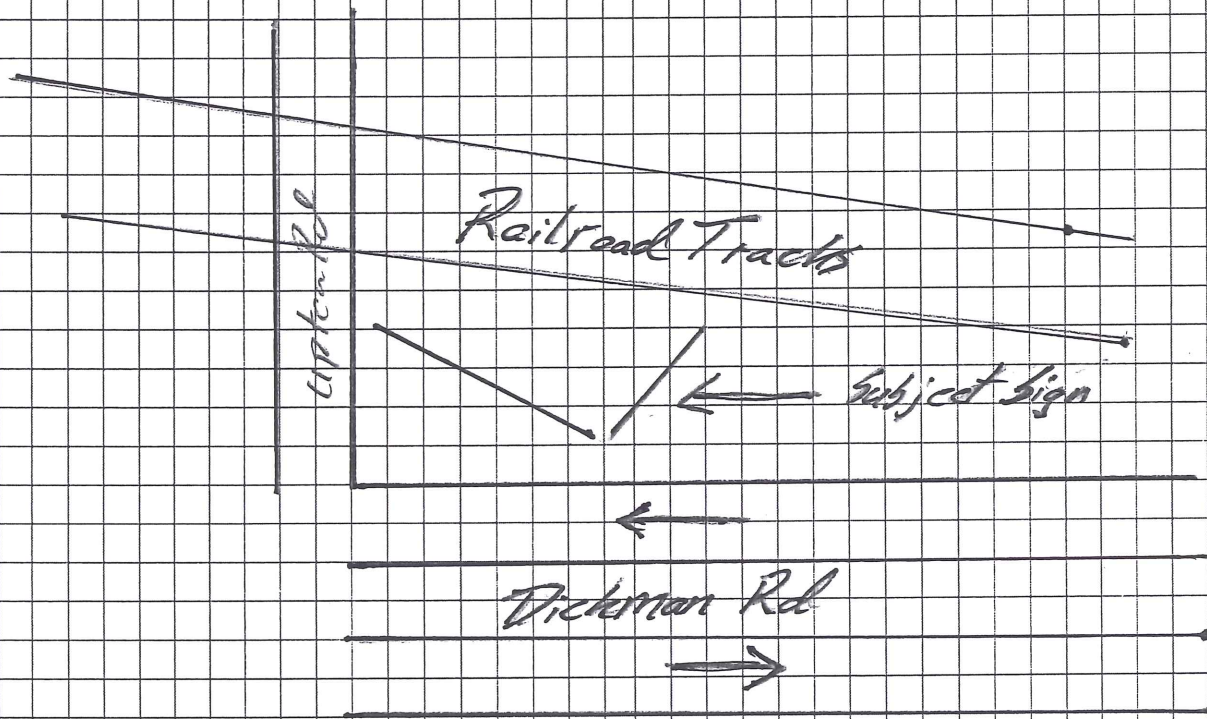
VI. SIGN INFORMATION

QUANTITY	TYPE OF SIGN (FASCIA, ROOF, POLE, ETC)	TYPE OF MATERIAL	LENGTH		WIDTH		NUMBER OF SIDES	TOTAL DISPLAY AREA	HEIGHT ABOVE STREET	
			FT	IN	FT	IN			FT	IN
1	I-Beam	steel	12		25		1	300'		

APPLICATIONS MUST INCLUDE CONSTRUCTION DRAWINGS AND SITE PLAN

VII. COMMENTS/DESCRIPTION

Maintenance and/or Repair of Existing sign







"William Jackson"
<wjackson@adamsoutdoor.com>

12/13/2010 03:00 PM

To <gfperian@ci.battle-creek.mi.us>

cc

bcc

Subject: Billboard Repair

Attachment #3

Glen,

Attached, please find a revised drawing for our repair of the billboard on Dickman and Upton in Battle Creek. You will notice that I have added a detail drawing indicating the section of the sign we are looking to repair. As we discussed the estimated replacement cost of the entire sign is approximately \$ 15,000.

Please, let me now if there is any additional I can provide.

Thank you again for your cooperation with this matter.

Bill

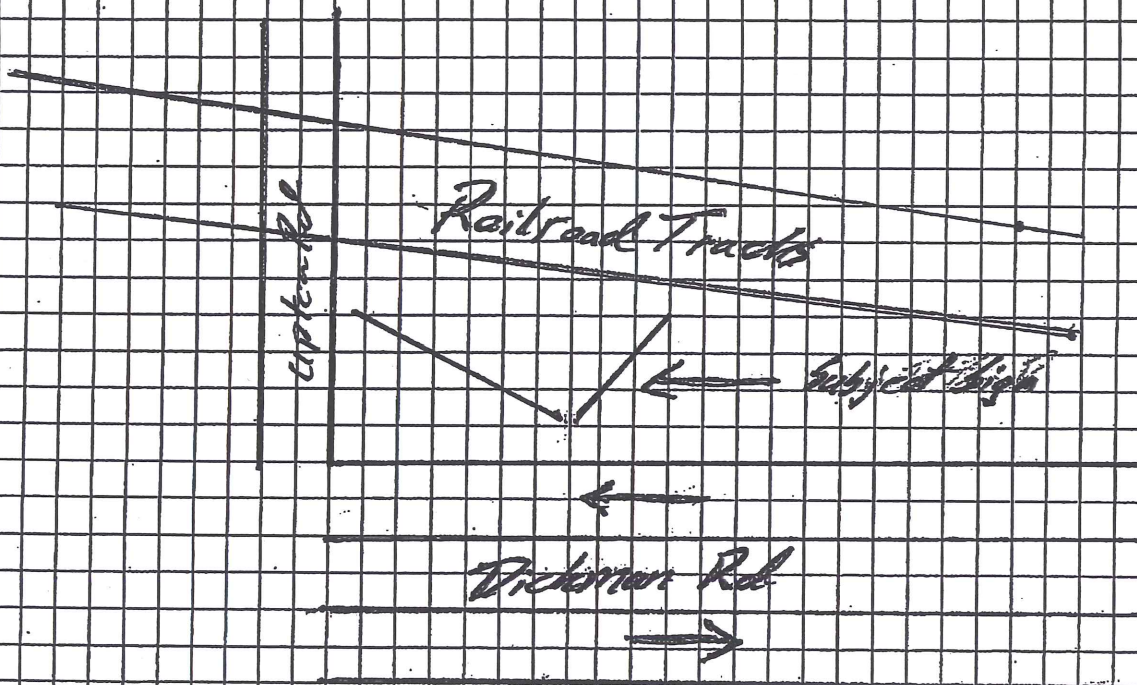
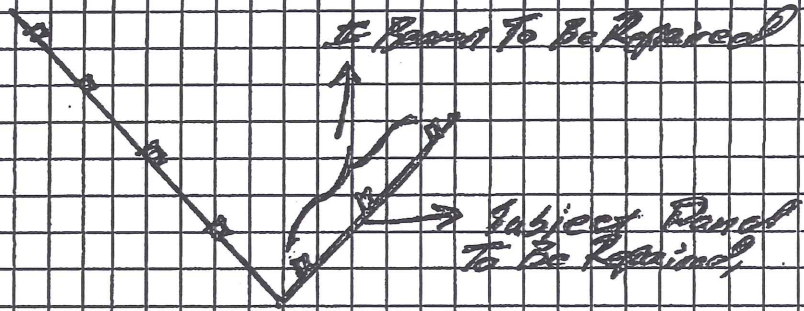
William (Bill) Jackson
Real Estate Manager - West Michigan

407 E. Ransom Ave.
Kalamazoo, MI 49007
(o) 269.342.9831
(c) 616.862.1553
email: wjackson@adamsoutdoor.com

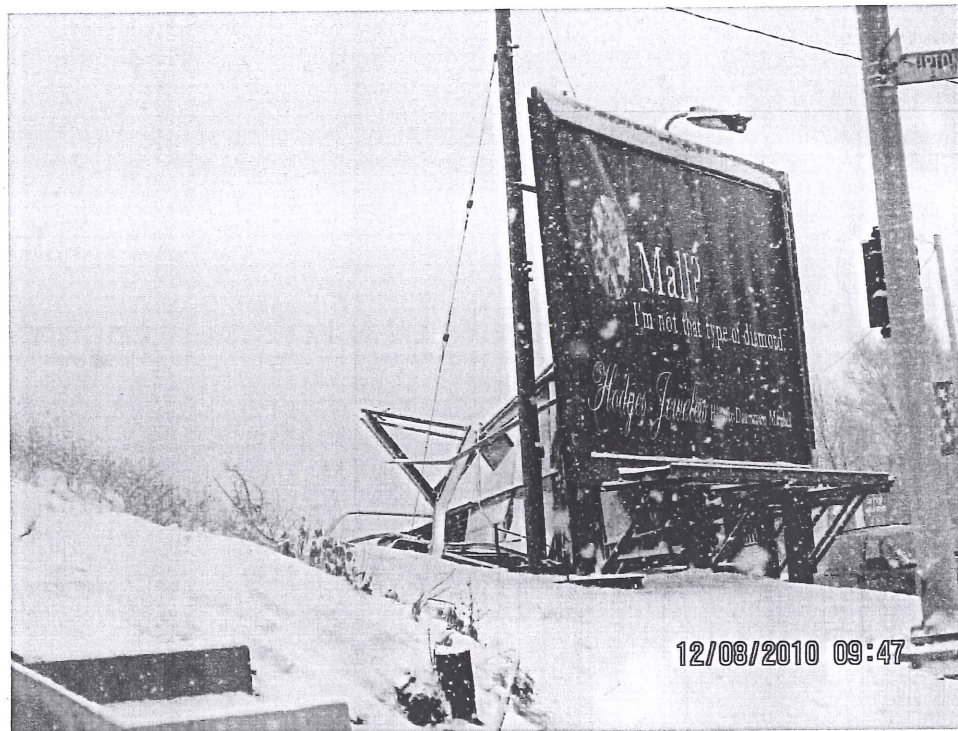


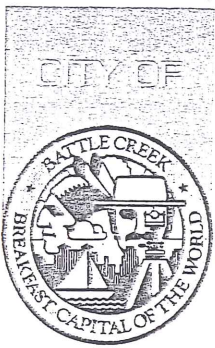
Site_206470_Plan.pdf

Detail Sign
View



CORNER OF UPTON & DICKMAN AVE
12 - 08 - 2010





BATTLE CREEK
DEPARTMENT OF PLANNING AND ZONING

January 6, 2011

Adams Outdoor Advertising
Attention: Bill Jackson
407 E. Ransom Ave.
Kalamazoo, Mi 49007

Re: Sign Permit Application Denial

Dear Mr. Jackson,

This letter is to inform you that your sign permit application dated 12/7/10 for the off-premise sign located at the corner of Dickman Rd. and Upton Ave. is denied. The sign permit application submitted by your company states that the damaged sign will be "repaired" as a result of a vehicular accident that caused significant damage to the sign.

The BATTLE CREEK PLANNING AND ZONING CODE, Chapter 1296.39 (e) states "No billboard shall be erected at any time when there are seventy-five or more billboard faces in the City". As the current inventory of off-premises signs, taken 6/28/01 is 82; all existing off-premise signs are considered legal nonconforming.

The BATTLE CREEK PLANNING AND ZONING CODE, Chapter 1296.28 CONDITIONS FOR MAINTAINING NONCONFORMING SIGNS states: "A lawfully erected sign which is made unlawful by this chapter may continue to be maintained exactly as it existed at the time the maintenance thereof became otherwise unlawful under this chapter, provided that such nonconforming sign shall not: (c) Be structurally altered to prolong the life of the sign or so as to change the shape, size height, type or design of the sign;" And, Chapter 1296..39 OFF-PREMISES OUTDOOR ADVERTISING SIGNS states: (f) "Any billboard that is a non-conforming sign may be maintained and repaired so as to continue the useful life of the sign. However, under no circumstances may non-conforming billboards be expanded, enlarged, or extended. Any non-conforming sign or sign structures substantially destroyed by fire, wind or other casualty shall not be restored or rebuilt."

In response to our request for additional information, engineering drawings that you submitted via email on 12/21/10 indicate, in part, three columns, three new footings, front catwalks and ledgers, 3 new stringers, rod cross bracing, braces, and other miscellaneous equipment will be replaced. It is our determination based on site inspection and review of the plans that the sign has been substantially destroyed and that the plans represents structural alterations not allowed by the above cited zoning code. Therefore, your permit application is denied and

you are hereby ordered to remove the damaged sign and all damaged sign supports from the property by January 31, 2011.

I will inspect your property on February 1, 2011 to make sure the destroyed sign and structure has been removed. Failure to have the damaged sign removed will result in a Class "C" Civil Infraction Citation with a potential fine of \$50/day and/or further action by the City Attorney.

Thank you in advance for your cooperation. If you have any questions I can be contacted during regular business hours.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Glenn Perian', with a stylized flourish at the end.

Glenn Perian
Senior Planner

cc: Christine Hilton, Planning Supervisor

City of Battle Creek, Michigan
OARD INVENTORY (Revised 6/28/01)



NO.	WAYPOINT	OWNER	LATITUDE	LONGITUDE	COMMENTS / LOCATION
1	009	N/A	42 19 176	85 10 262	E. Van Buren @ Union St.
2	010	N/A	42 19 150	85 10 328	Union Electric
3	011	N/A	42 18 991	85 10 033	Hoag @ Union St.
4	012	N/A	42 19 028	85 10 040	E. Michigan Ave.
5	013	N/A	42 19 028	85 10 040	E. Michigan Ave.
6	014	N/A	42 19 028	85 10 040	E. Michigan Ave.
7	015	N/A	42 19 028	85 10 040	E. Michigan Ave.
8	018	ADAMS	42 18 801	85 09 324	Porter @ RR (Across from Kelloggs)
9	019	ADAMS	42 18 801	85 09 324	Porter @ RR (Across from Kelloggs)
10	020	ADAMS	42 18 801	85 09 324	Porter @ RR (Across from Kelloggs)
11	021	ADAMS	42 18 801	85 09 324	Porter @ RR (Across from Kelloggs)
12	022	ADAMS	42 18 785	85 09 361	Porter @ RR (Across from Kelloggs)
13	023	ADAMS	42 18 785	85 09 361	Porter @ RR (Across from Kelloggs)
14	024	ADAMS	42 18 786	85 09 368	Porter @ RR (Across from Kelloggs)
15	025	ADAMS	42 18 786	85 09 368	Porter @ RR (Across from Kelloggs)
16	026	ADAMS	42 01 559	85 23 720	Raymond Rd.
17	027	ADAMS	42 16 355	85 06 916	E. Emmett @ Edison
18	028	ADAMS	42 16 355	85 06 916	E. Emmett @ Edison
19	029	ADAMS	42 16 394	85 07 190	NE Capital @ the bend
20	030	ADAMS	42 16 158	85 07 844	NE Capital @ Napa
21	031	ADAMS	42 16 162	85 07 821	NE Capital @ Fales
22	032	ADAMS	42 16 162	85 07 821	NE Capital @ Fales
23	033	ADAMS	42 15 789	85 08 261	Main @ Hamblin/Jackson
24	034	HARGETT	42 17 761	85 09 859	I-194 @ Hamblin/Jackson
25	035	HARGETT	42 17 761	85 09 859	I-194 @ Hamblin/Jackson
26	036	ADAMS	42 19 055	85 10 889	Main St. at Check Cashing Store
27	037	MACDONALD	42 18 723	85 12 725	Full Blast
28	038	MACDONALD	42 19 102	85 11 345	Ralcorp @ RR
29	039	MACDONALD	42 19 132	85 11 308	Ralcorp @ RR
30	040	ADAMS	42 21 265	85 14 195	GTRR @ Kendall
31	041	ADAMS	42 21 265	85 14 195	GTRR @ Kendall
32	042	ADAMS	42 19 222	85 11 973	GTRR @ Kendall
33	043	ADAMS	42 19 222	85 11 973	GTRR @ Kendall
34	044	N/A	42 19 156	85 12 053	Dickman @ Upton
35	045	ADAMS	42 19 198	85 12 198	Dickman @ Upton
36	046	ADAMS	42 19 198	85 12 198	Dickman @ Upton
37	047	ADAMS	42 19 198	85 12 198	Dickman @ Upton
38	048	ADAMS	42 21 635	85 14 580	W. Jackson
39	049	ADAMS	42 21 635	85 14 580	W. Jackson
40	050	ADAMS	42 21 635	85 14 580	Angell @ River
41	051	ADAMS	42 21 635	85 14 580	Angell @ River
42	053	ADAMS	42 19 046	85 11 374	Hamblin @ River
43	054	ADAMS	42 19 046	85 11 374	Hamblin @ River

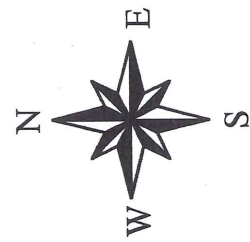
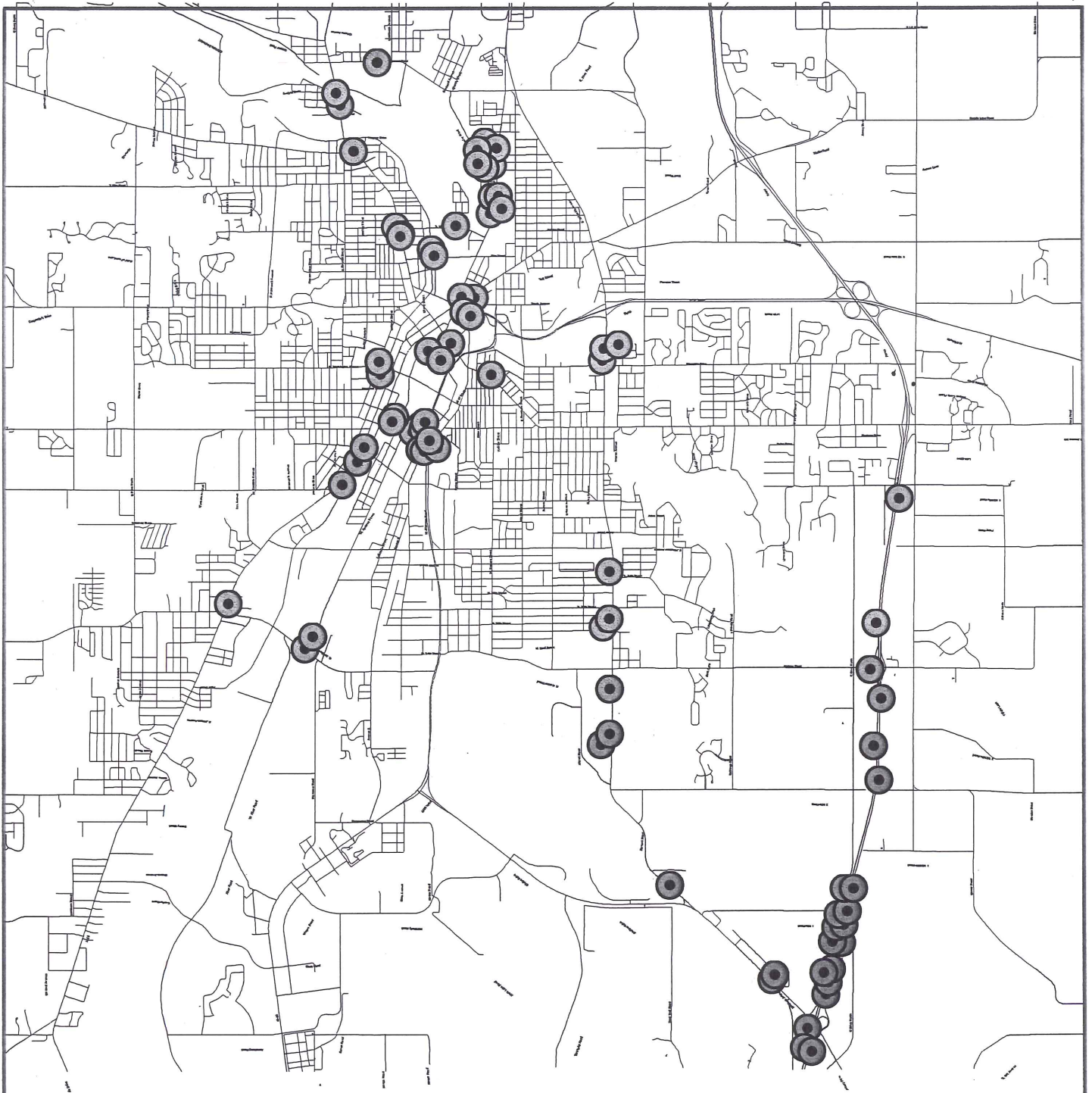
City of Battle Creek, Michigan
BILLBOARD INVENTORY (Revised 6/28/01)

44	055	N/A	42 22 046	85 26 895	W. Van Buren @ D&H Auto
45	056	ADAMS	42 19 653	85 12 187	Jordan @ W. Michigan
46	057	ADAMS	42 20 632	85 13 717	W. Michigan in Urbandale
47	058	N/A	42 20 086	85 14 129	S. Helmer Rd. near Ritchie Ln.
48	059	N/A	42 20 086	85 14 129	S. Helmer Rd. near Ritchie Ln.
49	060	N/A	42 17 840	85 14 498	Columbia West of Helmer
50	061	N/A	42 17 842	85 14 978	Columbia West of Theaters
51	062	N/A	42 17 842	85 14 978	Columbia West of Theaters
52	063	ADAMS	42 17 759	85 23 316	Skyline @ RR
53	064	INFINITY	42 22 507	85 24 500	I-94 @ Skyline on-ramp
54	065	ADAMS	42 16 283	85 17 429	I-94 @ on-ramp
55	066	INFINITY	42 16 270	85 17 327	I-94
56	067	HARGETT	42 16 244	85 17 201	I-94
57	068	ADAMS	42 16 191	85 16 930	I-94
58	069	ADAMS	42 16 160	85 16 761	I-94
59	070	INFINITY	42 16 136	85 16 637	I-94
60	071	N/A	42 16 095	85 16 416	I-94
61	072	ADAMS	42 15 912	85 15 356	I-94
62	073	ADAMS	42 15 899	85 14 570	I-94
63	074	ADAMS	42 15 784	85 12 616	I-94
64	075	ADAMS	42 15 732	85 13 323	I-94
65	076	N/A	42 15 918	85 13 844	I-94
66	077	N/A	42 15 925	85 14 446	I-94
67	078	ADAMS	42 15 927	85 15 038	I-94
68	079	ADAMS	42 16 120	85 16 425	Between Watkins Rd. and I-94
69	080	ADAMS	42 16 099	85 16 499	I-94
70	081	ADAMS	42 16 099	85 16 499	I-94
71	082	ADAMS	42 16 000	85 16 410	I-94
72	083	ADAMS	42 12 204	85 12 807	I-94
73	084	N/A	42 16 274	85 17 257	I-94
74	085	HARGETT	42 16 322	85 17 489	I-94
75	086	N/A	42 14 311	85 13 690	Miller's Time Out
76	087	ADAMS	42 17 896	85 11 325	Columbia @ Riverside
77	088	ADAMS	42 17 896	85 11 325	Columbia @ Riverside
78	089	ADAMS	42 16 519	85 10 692	Columbia @ Riverside
79	090	N/A	42 33 791	85 22 058	Goguac @ Capital Ave. SW
80	091	N/A	42 17 859	85 13 863	W. Columbia Ave. @ 30th St.
81	092	N/A	42 17 857	85 13 853	W. Columbia Ave. @ 30th St.
82	093	N/A	42 17 863	85 13 337	W. Columbia Ave. @ 24th St.

Survey conducted May 30-31, 2001
 By Tim Parks and Mike Buckley of the Planning and Community Development Department
 REVISED 6/28/01

LOCATION OF EXISTING BILLBOARDS

82 Locations Identified



Survey Conducted June / July 2001
Department of Planning and
Community Development
City of Battle Creek, Michigan